

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

IN RE: ACTOS (PIOGLITAZONE)

MDL NO. 6:11-md-02299

This document applies to:

JUDGE DOHERTY

MAGISTRATE JUDGE HANNA

Civil Action No. 6:12-cv-01608

REPORT AND RECOMMENDATION

Frank Dean, individually and on behalf of Beatrice Dean, is the plaintiff in Civil Action No. 6:12-cv-01608, and he was represented by Douglas R. Plymale of The Plymale Law Firm in this litigation. Mr. Plymale filed a motion to withdraw as counsel of record for Mr. Dean (Rec. Doc. 202), alleging that he and Mr. Dean have irreconcilable differences on how to proceed with the case. Mr. Dean and Mr. Plymale were both ordered to appear in court on December 12, 2016. Mr. Plymale appeared by telephone, and Mr. Dean appeared in person after the telephonic portion of the hearing had concluded. Mr. Dean made an oral motion to dismiss the claim asserted on behalf of his late wife, Beatrice Dean. Accordingly,

IT IS RECOMMENDED that the motion to withdraw (Rec. Doc. 202) be GRANTED, and

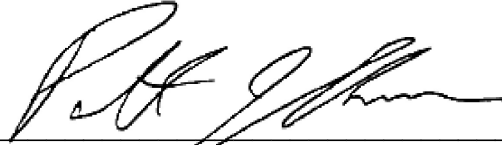
IT IS FURTHER RECOMMENDED that Mr. Dean's oral motion to dismiss be GRANTED, and the claims asserted by Mr. Dean on behalf of his late wife Beatrice Dean, be DISMISSED WITH PREJUDICE.

IT IS FURTHER RECOMMENDED that the Clerk of Court serve Mr. Dean with a copy of this report and recommendation, via certified mail, return receipt requested, at the following address: 2300 Whitney Drive, Monroe, LA 71201.

Under the provisions of 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), parties aggrieved by this recommendation have fourteen days from service of this report and recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within fourteen days after being served with of a copy of any objections or responses to the district judge at the time of filing.

Failure to file written objections to the proposed factual findings and/or the proposed legal conclusions reflected in the report and recommendation within fourteen days following the date of its service, or within the time frame authorized by Fed. R. Civ. P. 6(b), shall bar an aggrieved party from attacking either the factual findings or the legal conclusions accepted by the district court, except upon grounds of plain error. See *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Signed at Lafayette, Louisiana, on this 12th day of December 2016.

A handwritten signature in black ink, appearing to read 'P. J. Hanna', is written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE